THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.8249 of 2005

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Date: 13.08.2007

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Between:

Kaashyap Radient Systems Limited and another

…Petitioners

and

State of Andhra Pradesh and others

…Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.8249 of 2005

O R D E R:

Though the vacate stay petition is listed for hearing, main writ petition itself is taken up for disposal.

The petitioner seeks to issue a writ of prohibition prohibiting the State of Andhra Pradesh, the Director General of Police and the concerned Station House Officer from receiving any complaint from the depositors or creditors of four companies, namely, Kaashyap Radient System Limited, Ram Kaashyap Chits Private Limited, Ram Kaashyap Chits Andhra Limited, Ram Kaashyap Investment Limited.

Prima facie, I am of the opinion that the relief claimed by the petitioners is not maintainable and if they commit any cognizable offence, it is always open for the concerned police to receive complaint and register a case.

The learned Government Pleader for Home submitted that in fact, on a complaint received against the petitioners, a criminal case in Crime No.29 of 2005 was registered for the offences punishable under Sections 406, 409, 420 IPC read with Section 5 of Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999.

It is a fact that on a private complaint filed by the aggrieved

person before the Court, it was referred to the police, based on which the police registered a crime. I am of the opinion that the petitioners cannot seek any order prohibiting the respondents from receiving any complaint from the depositors or creditors. The writ petition is filed by the petitioners with a view to escape the criminal liability and that when there is a specific complaint about

non-payment of monies to the subscribers, and as there is an allegation against them that they cheated the subscribers, they cannot seek an order for staying of all further proceedings pursuant to the complaint.

Accordingly, interim stay granted by this Court in WPMP No.10919 of 2005 on 13.4.2005 is vacated and the writ petition is dismissed with costs.

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V.ESWARAIAH, J

13th August, 2007.

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